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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,816	06/25/2001	Keith Hoene	10007759-1	7631

7590                    09/14/2004

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

CHEN, SHIN HON

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/887,816	HOENE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Shin-Hon Chen	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 June 2001.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/25/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                                              | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Claims 1-27 have been examined.

### ***Oath/Declaration***

2. The title states on the oath/declaration does not match the title in the specification.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6, 11, 14, 15, 19-25, and 27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Chefalas et al. U.S. Pub. No. 20020116639 (hereinafter Chefalas).

5. As per claim 1, 11, 21, and 23, Chefalas discloses a method of network computing: using a server with a virus monitor to identify a client computer that is infected with a virus or susceptible to a virus; and isolating the virus-infected client computers and virus-susceptible client computers from the server and from a computing network connected to the server (Chefalas: [0012]).

6. As per claim 2, Chefalas discloses the method of claim 1. Chefalas further discloses wherein the using step further comprises: scanning the client computer with a virus monitor of at least one of the server and the client computer (Chefalas: [0012]).

7. As per claim 3, 14, and 15, Chefalas discloses the method of claims 1, 11, and 14 respectively. Chefalas further discloses wherein the isolating step further comprises: tracking a client identifier of the virus-infected and virus-susceptible client computers (Chefalas: figures 4a and 4b and [0044]); and preventing a client-server connection and network communications between the virus-infected client computers and virus-susceptible client computer and the computing network (Chefalas: [0012]).

8. As per claim 6, Chefalas discloses a method of virus-controlled network access comprising: using a server of a network with a virus monitor to identify client computers that fail to produce an approved virus scan report (Chefalas: [0012]); and isolating client computers without an approved virus scan report from authorized communication with the server (Chefalas: [0012]).

9. As per claim 19, 20, 22, 24, 25, and 27, claims 19, 20, 22, 24, 25, and 27 encompass the same scope of invention as that of claim 3. Therefore, claims 19, 20, 22, 24, 25, and 27 are rejected with the same reason as claim 3.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chefalas in view of Grosse U.S. Pat. No. 5205551 (hereinafter Grosse) .

12. As per claim 4 and 12, Chefalas discloses the method of claims 1 and 11 respectively. Chefalas further discloses wherein the using and isolating steps further comprise: detecting client computers that are infected with virus; and terminating a client-server connection for client computers that are infected with virus. Chefalas does not explicitly disclose detecting client computer that do not maintains an enabled virus protector and isolate client computer that have a disabled virus protector. However, Grosse discloses detecting client computers that do not have proper security configurations and take appropriate actions to correct the client information (Grosse: column 3 lines 6-34). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to detect client computers that do not have ability to protect themselves from virus attacks and quarantine them from other network devices. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Grosse within the system of Chefalas because it prevents virus from spreading across entire network.

13. As per claim 5, Chefalas discloses the method of claim 1. Chefalas further discloses wherein the using and isolating steps further comprise: detecting client computers that are infected with virus during and attempted client server connection; and preventing a client-server connection for those infected client computers (Chefalas: [0012]). Chefalas does not explicitly disclose preventing connection for those client computer not enabled for virus protection. Grosse discloses detecting client computers that are not enabled for virus protection during an attempted client server connection and preventing connection for those misconfigured client computers (Grosse: column 3 lines 6-34). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to detect client computers that do not have ability to protect themselves from virus attacks and quarantine them from other network devices. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Grosse within the system of Chefalas because it prevents virus from spreading across entire network.

14. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chefalas in view of Stiles U.S. Pat. No. 6330608 (hereinafter Stiles).

15. As per claim 7, Chefalas discloses a method of maintaining a virus-controlled network computing system comprising: booting a client computer to establish a client-server connection with a server and to scan the client computer for a virus (Chefalas: [0012]); reporting the results of the virus scan from the client computer to the server (Chefalas: [0012]). Chefalas does not explicitly disclose selectively permitting the client computer authorized access to the server

through the client-server connection when the virus scan report detects no viruses and denying the client computer access to the server when a virus is detected or no valid virus report is provided by the client computer. However, Stiles discloses checking whether the module request access has virus infection and a set of criteria before it is being permitted to connect with the system (Stiles: column 2 line 56 – column 3 line 40). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Stiles within the system of Chefalas because it increases the security of the network system by making sure the client is not virus infected before the connection is established.

16. As per claim 13, claim 13 encompass the same scope of the invention as that of the claim

7. Therefore, claims 13 is rejected for the same reason as the claims 7.

17. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chefalas in view of Stiles and further in view of Grosse.

18. As per claim 8, Chefalas as modified discloses the method of claim 7. Chefalas as modified does not explicitly disclose the method further comprising: establishing the client-server connection based on the client computer maintaining a virus protector of the client computer in an enabled mode. However, Grosse discloses making sure whether the client computer is configured correctly according to standard of security measure to ensure network security (Grosse: column 3 lines 6-34). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Grosse within the

combination of Chefalas-Stiles because it prevents virus from spreading across entire network by checking whether the client computer has the ability to protect itself from virus.

19. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chefalas in view of Stiles and further in view of Arnold et al. U.S. Pat. No. 5440723 (hereinafter Arnold).

20. As per claim 9, Chefalas as modified discloses the method of claim 7. Chefalas does not explicitly disclose wherein the terminating step further comprises: querying the client periodically to determine if the virus protector of the client computer remains enabled. However, Arnold discloses periodically monitor a data processing system for presence of virus (Arnold: column 2 line 45 – column 3 line 12). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to periodically monitor the client computer and check if the client is virus-infected. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Arnold within the combination of Chefalas-Stiles because it increases the security of the network system by ensuring that the virus to be detected as soon as possible if it occurred.

21. Claims 10, 16-18, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chefalas in view of Stiles and further in view of Hodges et al. U.S. Pat. No. 6269456 (hereinafter Hodges).

22. As per claim 10, Chefalas as modified discloses the method of claim 7. Chefalas as modified further discloses checking for certain criteria before a client is able to request/access the server (Stiles: column 2 line 56 – column 3 line40). Chefalas does not explicitly disclose the method further comprising: terminating the client-server connection if the virus definitions of the virus protector of the client computer have not been updated within a specified date criteria of the server. However, Hodges discloses a server checks whether the antivirus software on a client computer is up-to-date and updates antivirus software on client computer if the version is old (Hodge: column 4 line 53 – column 5 line 48). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to terminate client-server connection if the antivirus software on client computer is not up-to-date. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Hodges within the combination of Chefalas-Stiles because new viruses are being developed each day and it is necessary for a computer system with newest virus definition to detect new virus in order to ensure the security of network.

23. As per claim 16, claim 16 encompasses the same scope of the invention as that of the claim 10. Therefore, claim 16 is rejected for the same reason as the claims 10.

24. As per claim 17, Chefalas as modified discloses the system of claim 16. Chefalas as modified further discloses wherein the client computer further comprises: a virus protector for scanning the client computer for viruses (Chefalas: [0012]).

25. As per claim 18, Chefalas as modified discloses the system of claim 16. Chefalas as modified further discloses wherein the virus monitor of the server further comprises: a virus protector for scanning the client computer and files written by the client computer (Chefalas: [0012]).

26. As per claim 26, claim 26 encompasses the same scope of invention as that of claim 10. Therefore, claim 26 is rejected with the same reason as claim 10.

***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ji et al. U.S. Pat. No. 6728886 discloses distributed virus scanning arrangement and methods.

Wolff et al. U.S. Pub. No. 20020174358 discloses virus event reporting between a reporting computer and receiving computer.

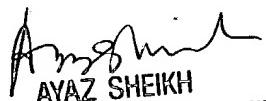
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (703) 305-8654. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen  
Examiner  
Art Unit 2131

SC

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100